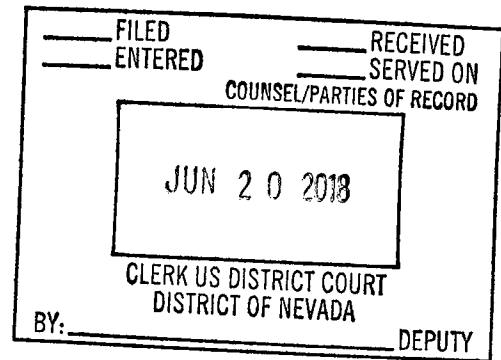


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8 *John E. Tonry, Jesse Lee Cesena,*  
*Chief Alexander Perez,*  
9 *Fire Chief Jeffrey K. Lytle, John Lansing,*  
*Scott Nielsen and Steven McKlein*



10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
12

\*\*\*

13 CHARLENE BYNUM individually, as the  
14 wife of RONALD BYNUM and as the  
Guardian of the Person and Estate of  
15 RONALD BYNUM,

16 Plaintiff,

17 vs.

18 CITY OF NORTH LAS VEGAS; JACOB  
RAY (P#1886); RODRIGO DELARA  
19 (P#2417); JOHN E. TONRY (P#1684) JESSE  
LEE CESENA (P#2425); ALEXANDER  
20 PEREZ, JEFFREY K. LYTLE, CITY OF LAS  
VEGAS, MICHELLE FREEDMAN DOES 1-  
21 100 and DOE ENTITIES 1-10.

22 Defendants.  
23

CASE NO. 2:17-cv-2102-APG-VCF

Consolidated with:

CASE NO. 2:18-cv-0354-APG-VCF

**~~STIPULATION AND ORDER TO~~**  
**EXTEND DISCOVERY DEADLINES**

**(THIRD REQUEST)**

24 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of  
25 record, hereby stipulate and request that this Court extend discovery in the above-captioned case  
26 ninety (90) days, up to and including December 4, 2018. In addition, the parties request that the  
27 dispositive motions and pretrial order deadlines be extended for an additional ninety (90) days as  
28 outlined herein. In support of this Stipulation and Request, the parties state as follows:

1           1.       On August 3, 2017, Plaintiff filed her Complaint in the United States District  
2 Court, District of Nevada.

3           2.       On September 7, 2017, Defendant City of North Las Vegas and Michael Freedman  
4 filed their Answer to the Complaint with Federal Court.

5           3.       On September 26, 2017, Defendants Jesse Cesena, City of North Las Vegas,  
6 Rodrigo Delara, Jeffrey K. Lytle, Alexander Perez, Jacob Ray, and John E. Tonry filed their  
7 Answer to Plaintiff's Complaint with Federal Court.

8           4.       On November 29, 2017 the parties submitted a proposed Scheduling Order to the  
9 Court.

10          5.       On January 9, 2018, Defendant City of North Las Vegas served its Initial List of  
11 Witnesses and Documents on Plaintiff.

12          6.       On March 31, 2018, The Court entered its order extending the discovery deadlines  
13 for the first time.

14          7.       On March 22, 2018, Defendant Correct Care Solutions filed its Answer to  
15 Complaint.

16          8.       On April 12, 2018, Defendants Michelle Freedman and City of Las Vegas filed  
17 their Answer to Complaint.

18          9.       On May 1, 2018, Defendants Jesse Lee Cesena, City of North Las Vegas, Rodrigo  
19 Delara, John Lansing, Jeffrey Ke. Lytle, Steven McClellan, Scott M. Nielson, Alexander Perez,  
20 Jacob Ray, and John E. Tonry, filed their Answer to Complaint.

21          10.       On May 2, 2018, Aven Anderson, Barbara Buttino, Defendant Darden, Defendant  
22 Nare, Christopher Nels, Defendant Noce, Francesca Noce, Christina Schade and Defendant  
23 Tolentino filed their Answer to Complaint.

24          11.       On May 8, 2018, Plaintiff filed her Motion to Extend Time to Serve Summons and  
25 Complaint on additional Defendants.

26          12.       On May 25, 2018, the Parties filed their Stipulation for Extension of time for  
27 Service of Process of Complaint.

28          13.       On May 25, 2018, the Court entered its Order Granting the Parties Stipulation to

1 Extend time for Service of Process of the Complaint.

2 14. On June 12, 2018, the Court has scheduled a hearing on Plaintiff's Motion to  
3 Extend Time for Service of Process of the Complaint.

4 15. The parties who have been served in this case have engaged in written discovery  
5 and depositions.

6 **DISCOVERY REMAINING**

7 1. Defendants will take the deposition of Plaintiffs.

8 2. Plaintiff will take deposition of approximately 70 Defendants.

9 3. The parties will complete all written discovery.

10 4. The parties will take the depositions of the designated expert witnesses.

11 5. The parties will take the depositions of any and all other witnesses garnered  
12 through discovery.

13 This Request for an extension of time is not sought for any improper purpose or other  
14 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient  
15 time to conduct discovery.

16 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

17 The Plaintiff has been unable to serve all named Defendants in this action. At the time of  
18 this filing a Motion is pending before this court to extend the time for the Plaintiff to serve all  
19 remaining defendants.

20 The parties who have been served in this matter have been actively compiling documents  
21 and investigating the instant action. The current parties are actively engaged in written discovery  
22 and will proceed with the necessary case depositions.

23 Counsel for Plaintiff has been compiling documents and investigating the instant action,  
24 and is currently working diligently to secure service on the remaining defendants. Plaintiff and  
25 Defendant Las Vegas are attempting to eliminate some, as yet, unserved defendants from this  
26 litigation. Defendant Las Vegas and Plaintiff are working on a stipulation to eliminate the need for  
27 further service as well. Plaintiff and Defendant Las Vegas believe that as discovery continues  
28 some of the remining unserved Las Vegas defendants may be eliminated from the action.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extension of this discovery plan and scheduling order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4.

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery regarding offsets in this case and adequately prepare their respective cases for trial.

This is the third request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	Monday, September 4, 2018	Monday, December 4, 2018
Amendment to Pleadings	Wednesday, June 6, 2018	Tuesday, September 4, 2018
Interim Status Report	Friday, July 6, 2018	Thursday, October 4, 2018
Expert Disclosure pursuant to Fed R. Civ. P. 26 (a)(2)	Friday, July 6, 2018	Thursday, October 4, 2018
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	Tuesday, August 7, 2018	Monday, November 5, 2018
Dispositive Motions	Thursday, October 4, 2018	Thursday, January 3, 2019, or at least thirty (30) days after the close of discovery
Joint Pretrial Order	Monday, November 5, 2018	Monday, February 4, 2019, or at least thirty (30) days after the decision of last Dispositive Motions

...

...

...

1 WHEREFORE, the parties respectfully request that this Court extend the discovery period  
2 by ninety days (90) days from the current deadline of September 4, 2018 up to and including  
3 December 4, 2018 and the other discovery dates as outlined in accordance with the table above.

4 DATED this 11<sup>th</sup> day of June, 2018.

DATED this 11<sup>th</sup> day of June, 2018.

5 LEWIS BRISBOIS BISGAARD & SMITH

LAW OFFICE OF DAN M. WINDER, P.C.

6  
7 /s/ Robert W. Freeman

/s/ Dan M. Winder

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10 City of North Las Vegas et al.

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Attorneys for Plaintiffs

11 DATED this 11<sup>th</sup> day of June, 2018.

DATED this 11<sup>th</sup> day of June, 2018.

12 LEWIS BRISBOIS BISGAARD & SMITH

13  
14 /s/ John M. Orr

/s/ John A. Curtas

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and Michele Freeman

20 **ORDER**

21 IT IS SO ORDERED.

22 Dated this 20<sup>th</sup> day of June, 2018.

23  
24 

25 ~~U.S. DISTRICT COURT JUDGE~~  
U.S. MAGISTRATE JUDGE